

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM ROBINSON,)	
)	
Plaintiff,)	Case No.:
)	
v.)	1:18-cv-2350-MHC-JSA
)	
FRANK JONES, et al.,)	
)	
Defendants)	

PLAINTIFF'S STATEMENT OF ADDITIONAL MATERIAL FACTS

Initial time in the Jail

1. During his initial time in the jail, jailers then placed Robinson in a restraint chair for many hours. Robinson Dep. 27:3–9.1
2. Jailers then removed Robinson from the restraint chair and moved him into a padded room. Robinson Dep. 27:16–21.
3. Robinson's shoulder was injured during his initial time in the jail. *See* Robinson Dep. 26:10–27:28.
4. Robinson believed that his arm was broken, and asked for medical attention. Robinson Dep. 27:10–15.
5. Eventually, jailers let Robinson out of the padded room and stated that they

would take him to the medical unit. Robinson Dep. 27:22–25.

Initial encounter with Frank Jones and the other deputies

6. Robinson waited patiently for the shift change so that the incoming jailers would take him to the medical unit to have his shoulder checked. Robinson Dep. 28:1–11.
7. After shift change, a jailer appeared and Robinson believed he was going to be taken to the medical unit. Robinson Dep. 28:12–13.
8. The jailer grabbed Robinson by the shoulder, which caused Robinson pain. As a result, Robinson pulled away. Robinson Dep. 28:13–16.
9. The jailer who grabbed Robinson was Deputy Frank Jones. Jones testified that when Robinson began to stand, Robinson “janked away like in an aggressive manner,” and therefore “we placed him on the ground and put handcuffs on him.” Jones Dep. 27:1–12.
10. Robinson does not recall what happened next because he lost consciousness. Robinson Dep. 28:13–16, 49:23–50:22, 51:13–52:10.
11. The next thing Robinson remembers is being dragged on the floor by his ankles. Robinson Dep. 28:12–20, 51:24–52:10.

Assault in the property room

12. The process at the jail is that new arrestees are typically taken for a medical screening before they are dressed out to go to general population. Jones Dep. 35:13–36. Robinson did not go through a medical screening before being taken to the property room. *Id.*
13. The property room is the location where inmates are dressed out after being processed in booking. Jones Dep. 19:14–15.
14. Three jailers then stopped dragging Robinson and told him to get up and walk. Robinson Dep. 28:16–20.
15. Robinson attempted to do so, but he was in a great deal of pain. Robinson Dep. 28:16–20.
16. After a few steps, Robinson said that he could not walk and fell to the ground. The jailers proceeded to drag Robinson, face down on the ground, into the property room of the jail. Robinson Dep. 28:21–29:2; PelcoExport~40964792.exe at 7:29:30–7:29:47.
17. The three deputies then dragged Robinson into the shower area of the property room. Robinson Dep. 52:11–25.
18. The three deputies who dragged Robinson into the shower were Rafferty Fuqua, Markennis Jackson, and Frank Jones. *See* Saunders Dep. 38:14–17

(stating that he saw Fuqua dragging Robinson), 42:21–24 (stating that Fuqua, Jones, Saunders, and Jackson were present during the incident); PelcoExport~40964792.exe at 7:29:30–7:29:47 (showing Robinson being dragged by three officers); Robinson Dep. 47:13–23, 53:23–54:19 (identifying Jones as one of the three officers who dragged him into the property room).

19. One jailer then dragged Robinson into a shower area. Robinson Dep. 29:15.
20. After reaching the shower area, the Frank Jones slapped Robinson. Robinson Dep. 29:8–15. At this point, Robinson’s hands were handcuffed behind him and his feet were shackled. Robinson Dep. 29:11–15.
21. This attack angered Robinson and he said “my old lady his harder than you.” Robinson Dep. 29:11–19. After Robinson said that, the Jones punched Robinson. Robinson Dep. 29:20–30:4.
22. This prompted Robinson to call Jones a coward for punching another person who is handcuffed. Robinson Dep. 30:1–4.
23. At that point, Jones dragged Robinson into the shower and began punching and tasing him. Robinson Dep. 30:5–12.
24. While in the shower area, Robinson was punched and kicked by Frank

Jones. Robinson Dep. 65:11–12.

25. Robinson was kicked twice in the face by Frank Jones. Robinson Dep. 84:16–20.
26. Frank Jones punched was a closed fist. Robinson Dep. 84:6–20.
27. Frank Jones repeatedly tased Robinson. Robinson Dep. 44:8–15.
28. A taser is audible when it is discharged. Saunders Dep. 49:20–50:16
29. During the incident with Robinson, Saunders was close enough to hear a taser being deployed. Saunders Dep. 50:21–51:3.
30. Jones hit Robinson and, at that point, Robinson felt his teeth crush down. Robinson Dep. 30:13–18. The assault continued after that. *Id.*
31. Taser logs for the taser assigned to Rafferty Fuqua show his taser was discharged eight times in the span of 5 minutes at the time of the assault. Ex. 1 (showing eight “arc” events); Ex. 2 at 2 (explaining “arc” means “the arc switch was pressed and the duration or length”); Ex. 3, Plaintiff 00145 (showing taser assignments).
32. The taser logs are approximately 8 minutes and 27 seconds ahead of the actual time. *See* Ex. 2 at 2 (explaining the time discrepancy).
33. Based on the taser logs, the first time the taser was activated was 7:38:08

a.m. *See* Ex. 1 at 2.

34. Correcting for the time discrepancy, the taser would have been deployed at 7:29:38 a.m. *See* Ex. 1 at 2; Ex. 2 at 2.
35. The timestamp on the video surveillance shows that Robinson was dragged into the property room at 7:29 a.m. *See* PelcoExport~40964792.exe at 7:29:30–7:29:47.
36. Frank Jones was the officer who used the taser. “Frank Jones was tasing me. That was not Fuqua at all. That was not Fuqua. That was Frank Jones with the taser.” Robinson Dep. 44:7–15. *See also id.* 46:3–4.
37. Robinson has a clear recollection of the facial appearance of each Defendant. Robinson Dep. 54:9–19.
38. During the assault, Markennis Jackson and Defendant Saunders were standing nearby. Robinson Dep. 30:19–25. Saunders did not say anything, but appeared to there as a sort of enforcement. “If I would have responded physically, then, you know, Saunders would have jumped in and Jackson would have jumped in.” Robinson Dep. 29:23–30:4.
39. At some point, Robinson lost consciousness. Robinson Dep. 31:5–8.
40. Jones did not have a taser assigned to him on May 3, 2016. Jones Dep. 17:6–

8.

41. There are no cameras in the shower area of the property room. Saunders Dep. 45:5–10.
42. Both Defendants know there are no cameras in that area of the jail. Jones Dep. 19:16–19; Saunders Dep. 45:5–10.
43. Robinson did not do anything to justify being tased. Robinson did not show any aggression, and the tasing was not preceded by a command for Robinson to do anything. Robinson Dep. 59:18–60:1.
44. During the attack, two gold teeth Robinson had in his mouth were dislodged. The gold teeth were not temporary caps or a mouth piece. When placed in his mouth, Robinson’s front teeth were shaved down and the gold teeth were glued in place. Robinson Dep. 126:2–8.
45. When Robinson’s gold caps fell out, one of the officers remarked “we got trophies.” Robinson Dep. 125:19–126:1.
46. Robinson was handcuffed during the attack. Robinson Dep. 29:20–30, 124:6–13.
47. Robinson was handcuffed when he was in the shower area. IA Investigation Audio, Charolita Scandrett - Cadet Deputy Robert Saunders

Followup.WMA at 06:57/19:58.

48. Saunders was present during the attack and Robinson could see Saunders during the attack. Robinson Dep. 122:22–5.

49. Saunders claims he never heard a taser being activated. IA Investigation Audio, Charolita Scandrett - Cadet Deputy Robert Saunders

Followup.WMA at 10:48/19:58.

50. Saunders claims did not see anyone take a taser out to display it. IA Investigation Audio, Charolita Scandrett - Cadet Deputy Robert Saunders

Followup.WMA at 10:36/19:58.

51. Saunders acknowledges that he would have been able to hear a taser being activated from the place where he was getting Robinson's clothes. IA

Investigation Audio, Charolita Scandrett - Cadet Deputy Robert Saunders

Followup.WMA at 11:48/19:58.

52. Saunders stated that no one used force against Robinson. IA Investigation Audio, Charolita Scandrett - Cadet Deputy Robert Saunders

Followup.WMA at 13:36/19:58.

53. Jones claims that “the only thing that happened inside the property room, we took the handcuffs off, made him take his cloths and put on the—the blue

Fulton County uniform.” Jones Dep. 36:18–21.

54. A taser used on Robinson would have been audible to the others officers.

Jones Dep. 38:15–20.

55. Robinson was dragged from the property room by four deputies. *See* PelcoExport~40964792 at timestamp 7:34:23 (showing Robinson being dragged from the property room, seemingly unconscious, by four officers).

Identity of the assailant

56. Throughout his deposition, Robinson identified Frank Jones as “the fake Rafferty Fuqua” because, at the time of the attack, Jones had borrowed Fuqua’s name tag. *See* Robinson Dep. 50:15–22, 54:20–25, Robinson testified that he remembers Jones’ facial structure. Robinson testified that he “locked in their faces” and “knows exactly what they look like.” Robinson Dep. 54:20–25.

57. After Robinson was released from jail, he filed a warrant application in Fulton County, naming Rafferty Fuqua as the respondent. *See generally* Ex. 4.

58. At the warrant application hearing, all four officers were present. Robinson specifically identified Frank Jones as officer who tased and kicked him. *See*

Ex. 4, Warrant Application Transcript on 12-06-2016, at 3:20–24 (“Him right there in the middle, the one with the black. That’s the one that kicked me in my face. That’s the one that tased me.”), (“THE COURT: What is your name? Is your name Fuqua? OFFICER JONES: My name is officer Jones, sir.”).

59. Robinson has maintained that he initially misidentified Rafferty Fuqua as his assailant since before this lawsuit was filed and specifically at a warrant application at which he sought an arrest warrant against his assailants. *See* Doc. 112-10 at 4:14–20.
60. Robinson dismissed his case against Rafferty Fuqua on the basis of the strength of his identification of Frank Jones as his assailant. *See* Doc. 49 at 2.

Initial medical screening

61. At Plaintiff’s medical screening the nurse noted that Robinson had a loose tooth and other injuries from the attack. *See* Ex. 5, Medical Screening Referral, at 1 (“mouth injuries from altercation”); *id.* at 2 (noting “body and head injuries during altercation tased during altercation/hit in mouth with cut lips and loose teeth”).

62. The Jail's licensed nurse practitioner Ronald Sanders remembers screening William Robinson on May 3, 2016. IA Investigation Audio, Charolita Scandrett - Follow Up Interview with LPN Ronald Sanders.WMA at 00:34/05:35.
63. Robinson's Medical Prescreening Form notes: left shoulder injury, head injury, injuries to hands, legs, and mouth, "tazed [sic] during altercation," cough blood, mouth injury. Ex. 6, Medical Prescreening Form. Later, two of Robinson's teeth fell out and the jail's dentist attempted to re-implant them.
64. Sanders noticed that Robinson had a lot of bruises. IA Investigation Audio, Charolita Scandrett - Follow Up Interview with LPN Ronald Sanders.WMA at 03:09/05:35.
65. There were bruises on Robinson's left arm and one to the cheek bone. IA Investigation Audio, Charolita Scandrett - Follow Up Interview with LPN Ronald Sanders.WMA at 03:23/05:35.

The medical unit

66. After the medical screening, Robinson was taken to the medical unit. Jones Dep. 15:24–16:2 (explaining that inmates move to a medical screening and then to the medical unit or the classification floor).

67. Emzell Woods was in the medical unit for depression. Inmates came into the holding tank. Robinson began arguing with an older inmate and Woods tried to diffuse the argument. After that, both Robinson and the other inmate were trying to get the attention of the officer at the unit. IA Investigation Audio, Charolita Scandrett - Inmate Emzel Woods#16034.m4a at 00:40/06:21.
68. Robinson became angry, swung on Emzell Woods, and hit Woods a couple times. IA Investigation Audio, Charolita Scandrett - Inmate Emzel Woods#16034.m4a at 01:43/06:21.
69. At the time he was in medical, Robinson already had tissue in his mouth from a prior altercation in booking. IA Investigation Audio, Charolita Scandrett - Inmate Emzel Woods#16034.m4a at 02:05/06:21.
70. Emzell Woods did not hit Robinson at all. IA Investigation Audio, Charolita Scandrett - Inmate Emzel Woods#16034.m4a at 03:18/06:21; Robinson Dep. 72:12–15 (explaining that Woods “did not even get a lick in that fight”).

Robinson's dental visit

71. Robinson was eventually taken to the dental clinic. Robinson came into the dentist as an emergency. IA Investigation Audio, Charolita Scandrett - Dr Valerie Smith Dental Director #16034.m4a at 02:26/08:25.

72. Robinson went to the clinic sometime after 3:30 p.m. IA Investigation Audio, Charolita Scandrett - Dr Valerie Smith Dental Director #16034.m4a at 04:55/08:25.
73. Robinson presented to the dental clinic with teeth number 8 and 9 in hand. IA Investigation Audio, Charolita Scandrett - Interview with Dr Joyce Cosby.WMA at 02:26/08:21.
74. The jail staff was going to try to splint the teeth in by securing them to the adjacent teeth but the prognosis was poor and they felt teeth may not hold due to the damage to the area due to trauma to the area. IA Investigation Audio, Charolita Scandrett - Dr Valerie Smith Dental Director #16034.m4a at 01:46/08:25.

Follow up treatment and ongoing pain

75. After his release, Plaintiff sought medical treatment at Grady Hospital for ongoing shoulder pain, and still experiences shoulder pain. See Robinson Dep. 185:22–187:12.
76. Plaintiff's medical prescreening form notes a left shoulder injury, head injury, injuries to hands, legs, and mouth, "tazed during altercation," cough blood, mouth injury. Ex. 6, Medical Prescreening Form.

77. Plaintiff’s dental treatment notes state that the “exam shows the pt. Was hit in the mouth and tooth #8 and #9 were avulsed [sic], recommended splinting the teeth . . . the prognosis [sic] of the teeth is poor.” Ex. 7, Dental Treatment Note.
78. After the incident, Plaintiff was in ongoing physical pain. Robinson Dep. 185:2–21; 85:8–18; 86:10–21.
79. Robinson experiences ongoing pain in his back, shoulder, genitals, and knees. Robinson Dep. 187:13–16.

Submitted this 2nd day of November, 2020.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this motion has been filed electronically via the CM/ECF system which will automatically serve the document on all counsel of record.

This 2nd day of November, 2020.

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